

**Remarks**

A short review of the status of the reissue patent application is appropriate. The reissue application was filed with an amended claim 1 (with respect to the original claim 1) and original claims 2-24. The Examiner rejected claim 1 under 35 U.S.C § 251 as being broadened in a reissue application filed outside of the two year statutory period. Specifically, the Examiner noted that the "means for configuring communication parameters associated with each port position..." in the original patent application was amended to a "means within the [communications processor] apparatus for configuring communication parameters, including communication parameters for at least several of said port positions...".

The Examiner also pointed out that the Amendment received on 04/09/2004, improperly amended claim 1 because all of the changes to claim 1 were not reflected with respect to the original claim 1.

Further, Claim 1 was rejected as being based on a defective reissue of Declaration under 35 U.S.C. § 251 as not including a statement of error, a statement that the declaration was filed without deceptive intent and appropriate signatures.

**Office Action paragraph 1**

The Examiner's statement is noted and no further response is necessary.

**Office Action paragraph 2**

Claim 1 was further amended to address the Examiner's rejection under 35 U.S.C § 251, and in light of a telephonic interview on January 29, 2004 between the Applicant's previous attorney and the Examiner. Specifically, amended claim 1 now states "means within the communications processor apparatus for selectively configuring communication parameters associated with each port position [for proper data communication with the electronic device connected thereto,] to enable proper data

communication between the communications processor apparatus and a plurality of electronic devices connected to the plurality of port positions;"

**Office Action paragraph 3**

Claim 1 was further amended to reflect ALL changes to the original claim 1.

**Office Action paragraph 4**

As the Office Action concluded a defective declaration, applicant encloses the following:

- (i) Reissue Application Declaration by the Assignee that includes a reason why the original patent is inoperative or invalid, a statement of error and a statement that the declaration was filed without deceptive intent,
- (ii) Statement Under 37 CFR 3.73(b), and
- (iii) Reissue Application: Consent of Assignee

With this amendment, Applicant believes this application to be in condition for allowance, which action is respectfully requested.

Respectfully submitted,

**Cook, Alex, McFarron, Manzo,  
Cummings & Mehler, Ltd.**

By:

  
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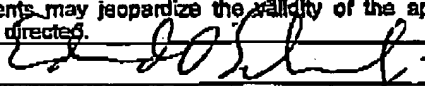
SEP 09 2005

PTO/SB/52 (09-04)

Approved for use through 04/30/2007. OMB 0551-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>		Docket Number (Optional) 1444-0057-01	
At least one error upon which reissue is based is described as follows: Original claim 1 is too broad, because, when read in its broadest possible sense, it arguably reads as an apparatus which was publicly available more than one year prior to the filing date of the application which resulted in the original application. An affidavit by David J. Dolezilek explaining the structure and operation of said apparatus and its relevance to the subject matter of original claim 1 was previously submitted on March 14, 2001.			
[Attach additional sheets if needed]			
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. I hereby appoint:			
<input type="checkbox"/> Practitioners associated with Customer Number:			
OR			
<input checked="" type="checkbox"/> Practitioner(s) named below:			
Name		Registration Number	
Eugene M. Cummings		24,398	
David M. Mundt		41,207	
David Lesht		30,472	
as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.			
Correspondence Address: Direct all communications about the application to:			
<input type="checkbox"/> The address associated with Customer Number:			
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	David M. Mundt, Esq. Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.		
Address	200 West Adams Street, Suite 2850		
City	Chicago	State	Illinois
Country	U.S.A.		
Telephone	(312) 984-0144	Fax	(312) 984-0146
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Signature			Date 14 Jan 2005
Full name of person signing (given name, family name) Edmund O. Schweitzer, III			
Address of Assignee 2350 NE Hopkins Court Pullman, Washington 99163			

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SEP 09 2005

PTO/SB/02 (08-04)

Approved for use through 04/30/2007. OMB 0651-0033  
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<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>		<b>Docket Number (optional)</b> 1444-0057.01
I hereby declare that: The residence, mailing address and citizenship of the inventors are stated below. I am authorized to act on behalf of the following assignee: <u>Schweitzer Engineering Laboratories, Inc.</u> and the title of my position with said assignee is: <u>President</u> The entire title to the patent identified below is vested in said assignee.		
<b>Inventor</b> Edmund O. Schweitzer, III	<b>Citizenship</b> U.S.	
<b>Residence/Mailing Address</b> 330 N.W. Brandon Drive, Pullman, Washington 99163-3674		
<b>Inventor</b> David C. Wood	<b>Citizenship</b> U.S.	
<b>Residence/Mailing Address</b> 535 S.E. Dexter, Pullman, Washington 99163		
<input type="checkbox"/> Additional inventors are named on separately numbered sheets attached hereto.		
<b>Patent Number</b> 5,680,324	<b>Date of Patent Issued</b> 10-21-1997	
I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:  <b>COMMUNICATIONS PROCESSOR FOR ELECTRIC POWER SUBSTATIONS</b>		
the specification of which <input type="checkbox"/> is attached hereto. <input checked="" type="checkbox"/> was filed on <u>3-14-2001</u> as reissue application number <u>09 / 810,314</u> and was amended on _____ (if applicable)		
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.		
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.		
<input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.		
I verify believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)		
<input type="checkbox"/> by reason of a defective specification or drawing.		
<input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.		
<input type="checkbox"/> by reason of other errors.		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AFFIDAVIT

I, David J. Dolezilek, being sworn, hereby state as follows:

1. From 1988 to 1992 I was an employee of Tetragenics Company, at its location in Butte, Montana (Tetragenics).

2. At Tetragenics, my duties included project management and system design.

3. During my employment at Tetragenics, I became very familiar with a "protocol translator" remote terminal unit (RTU) product manufactured by Tetragenics, referred to hereinafter as the Tetragenics RTU. The Tetragenics RTU is an electronic communication device, which permits a plurality of intelligent electronic devices (IEDs), with different communication protocols to communicate, by translation to a common protocol and subsequent retransmission, to a master device or with each other. The Tetragenics RTU includes a plurality of port positions (up to 8) to which the IEDs may be connected. The Tetragenics RTU included at least one port position to which a device could be connected for entry of control commands, and at least one port position through which data obtained from the port-connected IEDs could be transmitted to other IEDs connected to other ports.

4. According to my personal knowledge, the Tetragenics RTU was available to the public and sold more than one year prior to the filing date (April 7, 1995) of U.S. Patent No. 5,680,324. I do not have any printed information which was available to the public prior to April 7, 1995 concerning the Tetragenics RTU.

5. The Tetragenics RTU in a broad sense included receiver/transmitter circuitry, which enabled communication of data between an electronic device connected to a port position of the Tetragenics RTU device and other portions thereof. The Tetragenics RTU was configured at the factory to communicate with specific IEDs, which were to be connected to specific ports of the device. However, the operational parameters for each port were configured for only one preselected IED per port and there was no capability within the Tetragenics RTU device itself for reconfiguring the ports to

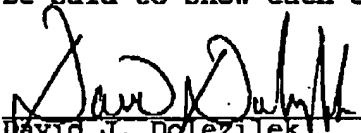
communicate with different IEDs.

6. The Tetragenics RTU included the capability of storing and retrieving data obtained from the IEDs connected to its ports, as well as the capability of storing control commands entered by a user.

7. In the very broadest sense, the Tetragenics RTU could be interpreted to have a data processing capability, since it does have the capability of parsing data obtained from the IEDs connected to its ports.

8. Lastly, the Tetragenics RTU included a software program for controlling the flow of data and control commands within the apparatus.


9. Accordingly, the Tetragenics RTU, when interpreted in its very broadest sense, relative to the very broadest possible interpretation of the elements of claim 1 of the '324 patent, could be said to show each of the elements of that claim.

  
David J. Dolezilek

1/15/2001  
Date

State of Washington)  
County of Whitman) ss.

On this 15 day of January, 2001, personally appeared before me Mr. David Dolezilek, to me known to be the individual named above who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

  
Notary Public in and for the  
State of Washington,  
Residing at Pullman, WA  
My Commission expires 7/13/02